

REMARKS

Claims 1 - 16 (not 1-12 or 1-20 as indicated by the Examiner in the current action) are pending the application; Claims 1-12 stand rejected.

Claims 1-12 stand rejected as allegedly anticipated under 35 USC §102(e); Applicant respectfully traverses this rejection, and requests that it be withdrawn. The cited reference is a publication of the application of Harrell filed June 18, 2001, well after the 10/12/2000 filing date of the current application. Even Harrell's priority date 6/16/2000 is well after the 10/12/99 priority date of the current application. It appears therefore that Harrell is not citable in this case as a 102e reference, since no Harrell documents were filed or published before the earliest constructive reduction to practice (filing) date available to Applicant. Applicant therefore requests reconsideration and withdrawal of the Harrell citation, and early favorable action on all claims pending.

It further appears that Harrell is not entitled in any event to the claimed priority date, as it is more than one year prior to the filing date of his non-provisional application. Applicant notes for the record that it does not hereby admit that any of the pending claims read upon the Harrell reference, but reserves without prejudice the right to instigate priority proceedings at some later date.

Applicant believes that it has responded fully to all of the concerns expressed by the Examiner in the Office Action, and respectfully requests early favorable action on all pending claims. If the Examiner has any further concerns, Applicant requests a call to Applicant's attorney Patrick Dwyer at (206) 343-7074.

Respectfully submitted,



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